IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10935 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ROHIT DEVSHI AHIR

Versus

DISTRICT MAGISTRATE

Appearance:

MR PRAVIN GONDALIA for MR YOGESH S LAKHANI for Petitioner

MR SAMIR DAVE APP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/01/2001

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. In para H at page No.6 of the Special Civil Application the petitioner made grievance that he has not

been given the legible copy of the document at page No.67 (backside), 69 and 87 though he made this grievance in the representation also.

#. Shri Samir J. Dave, learned APP appearing for the respondents very fairly conceded this position after verifying the fact from the record of the case brought by the officer present in the court. He further states that on the representation of the petitioner, the State Government has given direction to the Detaining Authority to supply to the petitioner the legible copy of the documents aforesaid but the same were not supplied.

#. In view of this admitted position the petitioner has been deprived of his right to make effective representation as conferred upon him under Article 22(5) of the Constitution of India. Only on this ground this petition deserves to be allowed and accordingly the same is allowed. The order of detention of the petitioner dated 10.9.2000 is quashed and set aside. The petitioner Rohit Devshi Ahir, the detenu, at present in Surat Jail be set free forthwith, if he is not required in any other case. Rule is made absolute accordingly . As the respondents have fairly conceded their mistake in this case, no order as to costs.

(S.K.Keshote, J.)
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